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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,592	07/12/2000	Toshifumi Sato	Q60082	2296
7590	04/29/2005		EXAMINER	
Sughrue Mion Zinn MacPeak & Seas 2100 Pennsylvania Avenue NW Washington, DC 20037-3202			FAN, CHIEH M	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/614,592

Applicant(s)

SATO, TOSHIFUMI

Examiner

Chieh M Fan

Art Unit

2634

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.



Chieh M Fan
Primary Examiner
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Response to Arguments

1. Applicant's arguments filed 3/31/05 have been fully considered but they are not persuasive.

a. The applicant still argues that the multipliers (506A-506C, the adder (507) and the level adjuster circuit of Sawahashi et al. ("Sawahashi" hereinafter) do not weight and add correlation signals, and then average the weighted and added correlation signals for a predetermined number of times, as recited in claim 1.

Examiner's response --- The applicant is reminded that the examiner is entitled to give the broadest reasonable interpretation to the language of the claims. The examiner is not limited to the applicant's definition which is not specifically set forth in the claims. See *In re Tanaka et al.*, 193 USPQ 139, (CCPA) 1977. The following is a comparison between the claimed limitation and the teaching by Sawahashi.

<u>Claim</u>	<u>Sawahashi's teaching</u>
averaging	The level adjuster 508 adjusts the level of the input signal by performing an averaging process by dividing the input signals by M (M=3), which is the number of antennas 501 or number of the matched filters 505.
the weighted and added correlation signals	The signals input to level adjuster 508 are weighted (see 506A-506C) and added (see ADDER in Fig. 5) correlation signals (505A-505C).
for a predetermined number of time	The level adjuster performs averaging once.

Therefore, the teaching of Sawahashi reads on the claimed limitation word by word.

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The averaging process for the weighted and added correlation signals in the instant application may be different from the averaging process of Sawahashi. However, claim 1 of the instant application only broadly recites, "averaging the weighted and added correlation signals", which does not identify the difference in the averaging processes. Therefore, the claimed limitation and Sawahashi's teaching are not patentably distinct.

b. The applicant also argues that one of ordinary skill in the art would not be motivated to combine the two references.

Examiner's response --- The applicant is reminded that the rejection of the claimed "averaging the weighted and added correlation signals" is based on the combination of two embodiments of a single reference (i.e., Sawahashi), not by the combination of two references. The examiner has provided a motivation to combine the two embodiments in the previous Office Action.